

REMARKS

Upon receipt of this response, the Examiner is respectfully requested to contact the undersigned representative of the Applicant to arrange a telephone interview concerning the inventive merits of this application.

A certified copy of the priority application, namely, GB 0224292.3, filed October 18, 2002, is enclosed for consideration by United States Patent and Trademark Office.

The title of the invention is amended to overcome a noted informality contained therein. The amended title of the invention is now believed to include the descriptive features of the present invention, thereby overcoming the noted informality.

The drawings are amended, per the attached, to overcome a few noted informalities contained therein. The accompanying new set of Replacement Sheets of formal drawings incorporate all of the requested drawing amendments. If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The above amended paragraphs of the specification overcome some informalities noted in the specification on file. The undersigned avers that the amended paragraph(s) of the specification do not contain any new subject matter.

Claim 5 is rejected, under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The subject matter of rejected claim 5 is accordingly revised and rewritten as newly entered claims 9-21 and all of the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Next, claims 5-8 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Testu '075. The Applicant acknowledges and respectfully traverses the raised anticipatory rejection in view of the following remarks.

The present invention relates to an access unit for covering an opening in an upper floor. The access unit comprising a support frame having a generally O or oval shaped central region which is defined by first and second U-shaped members which each comprise a base frame defining one end of the open central region, and a pair of spaced apart side arms extending parallel to one another from opposite ends of the base frame. The pair of side arms of the first member are telescopically received within the pair of side arms of the second member to facilitate adjustment of a length of the open central region. An important aspect is that the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second

member, is completely unobstructed and open so as to allow unhindered passage of at least a person through the open central region, while the telescopic adjustment of the pair of spaced apart side arms facilitates desired spacing of the base frame of the first member from the base frame of the second member so as to alter the size of the open central region. At least one clamp is provided for temporary securing of the side arms of the first member with the side arms of the second member, at a pre-determined relationship, and at least one adjustable prop which is pivotably attached adjacent the base frame of the second member for supporting the second member at a desired level.

Turning now to the raised rejections, all of the claims are rejected in light of Testu `075. Upon reviewing the applied Testu `075 reference, the Applicant respectfully submits that there are major differences between the teachings, suggestions and disclosures of Testu `075 and the presently claimed invention.

More specifically, the Examiner alleges that Testu `075 shows, in FIG. 12, a support frame which is O-shaped in plan bounding an open central region. It is respectfully submitted that FIG. 12 of Testu `075 does not, in fact, show an open central region, especially a completely open and unobstructed open central region, as now claimed. The Applicant acknowledges that FIG. 12 does show an extendible platform formed of two overlapping metal mesh members, one 6 being fixed and the other 23 being slidable relative to the fixed 6 member.

The title of the Testu `075 specification refers to a "horizontal device for supporting ladders, for adapting to staircases". The preamble of Testu `075 more specifically concerns itself with the need for stable support of a ladder mounted on such a device. Consequently, it would be reasonable to assume that the two overlapping mesh members should be securely related to the rest of the structure in such a way that inadvertent displacement of the members, and so of an ladder seated upon them, should not occur. Testu `075 is particularly concerned with the provision of a light weight unit to serve as a support for a ladder which is readily located on and removed from a staircase incorporating locking components which are readily operated. Thus, Testu `075 provides a stable unit for use in a staircase which seats on legs of readily adjustable length. It is respectfully submitted that it can be readily adjusted to be accommodated in a space without being coupled in any way to the boundaries of that space.

The Applicant respectfully submits that the Examiner is incorrect in asserting (in the first paragraph of page 7 of the office action) that Testu teaches a platform member which has two working positions the first being as shown in Testu's FIG. 12 and a second where the platform member is withdrawn to allow access. It is respectfully submitted that no such second working position appears to be in any shown or suggested in Testu `075. In passing, it is observed that FIGS. 9 and 10 of the Testu `075 specification show alternative arrangements in the way the mesh supporting parts of the device can be disposed prior to the mesh members being put in

place. However, it is respectfully submitted that these figures do not represent a second working position, which would not be usable for the purpose discussed by Testu `075.

The present invention is concerned with a support frame which can be mounted, and be incorporated, in an aperture while being supported at two levels (such as the bottom and top of a staircase), so as to bound the opening in the aperture in which the unit of the present invention is located. The central region of the unit capable of being deliberately left open (unlike the Testu `075 mesh members) to allow people, articles and/or loads to readily pass between floors through the region. In order to close off the central region, a removable platform member covers the central region so as to prevent inadvertent passage of somebody on the upper floor through the central region.

As is apparent from the above, it is respectfully submitted that Testu `075 does not in any way teach, suggest, disclose or remotely hint at have a support frame including U-shaped first and second members in which each of the first and the second members comprises a base frame defining one end of the open central region, and a pair of spaced apart side arms extending parallel to one another from opposite ends of the base frame. The arrangements of Figs. 1, 9, 10 and 12 of Testu `075, for example, can hardly be alleged to be U-shaped. Further, the sized of the open central region is completely unobstructed and open without anything being located between the base frames for the first and the second members so as to allow unhindered passage of a person through the open central region. Again, the arrangements of Figs. 1, 9, 10 and 12 of Testu `075 are clearly not "completely unobstructed and open without anything being located between the base frames for the first and the second members"—cross members 2, 3, 5 and 17, for example, obstruct the opening and such elements, it is respectfully submitted, would restrict passage of a person therethrough.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, new independent claim 9 of this application now recites the features of "the support frame including U-shaped first and second members, each of the first and the second members comprises a base frame defining one end of the open central region, and a pair of spaced apart side arms extending parallel to one another from opposite ends of the base frame; the pair of side arms of the first member being telescopically received within the pair of side arms of the second member to facilitate adjustment of a length of the open central region; and the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second member, being completely unobstructed and open so as to allow unhindered passage of at least a person through the open central region."

New independent claim 15 recites the features of "the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second member, being completely unobstructed

and open without anything being located between the base frames for the first and the second members so as to allow unhindered passage of a person through the open central region”:

Lastly, new independent claim 21 recites the features of “the open central region, defined by the base frame and the pair of spaced apart side arms of the first member and the base frame and the pair of spaced apart side arms of the second member, being completely unobstructed and open without anything being located between the opposed legs of the first and the second members and without anything being located between the base frames for the first and the second members so as to allow unhindered passage of a person through the open central region....and a brace connects each of the adjustable props with one of the side arms of the second member....a removable platform member for covering the open central region, when the platform member is in a first working position, and preventing passage of one of a person and an article located above the support unit from inadvertently passing through the open central region; and the platform member, when the platform member is in a second position removed from the open central region, allowing unimpeded passage of at least one of the person and the article through the open central region.” Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

In view of the foregoing, it is respectfully submitted that this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018
Customer No. 020210
 Davis Bujold & Daniels, P.L.L.C.
 112 Pleasant Street
 Concord, NH 03301-2931
 Telephone 603-226-7490
 Facsimile 603-226-7499
 E-mail: patent@davisandbujold.com

1/3

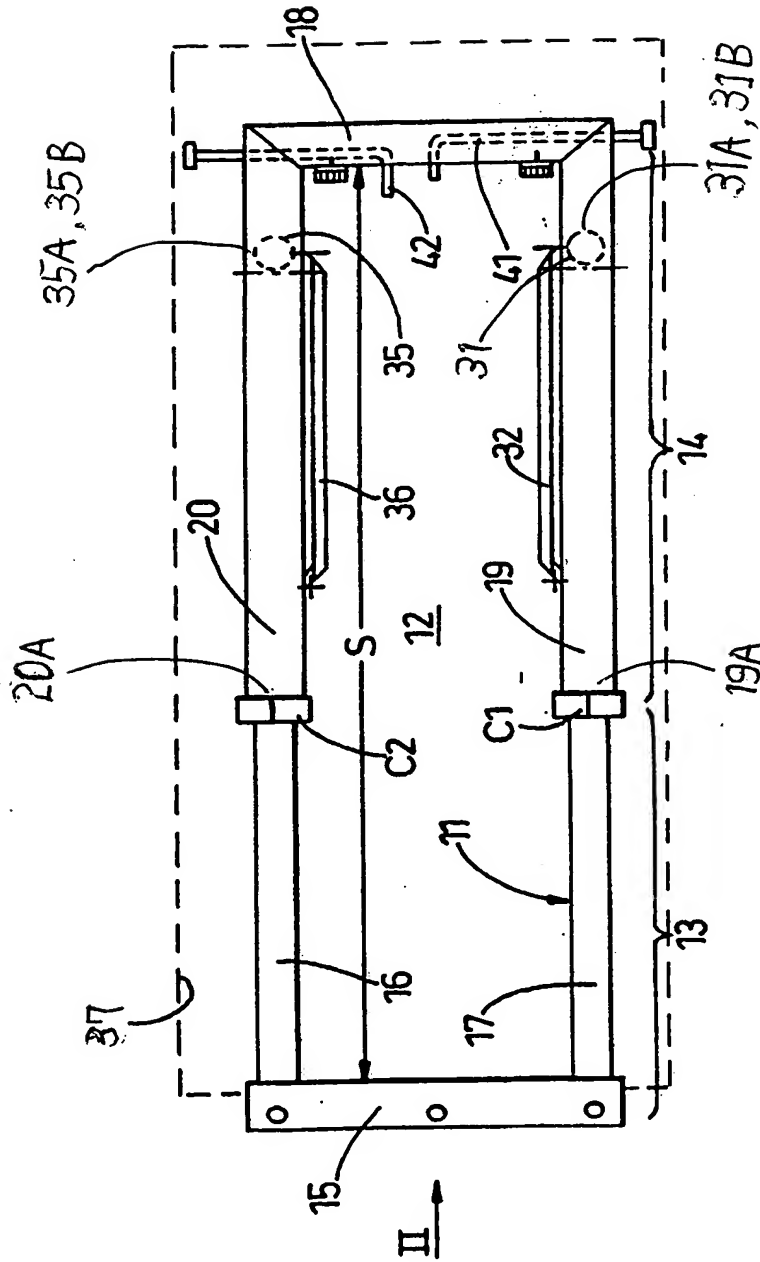


Fig. 1

revised
3-27-05

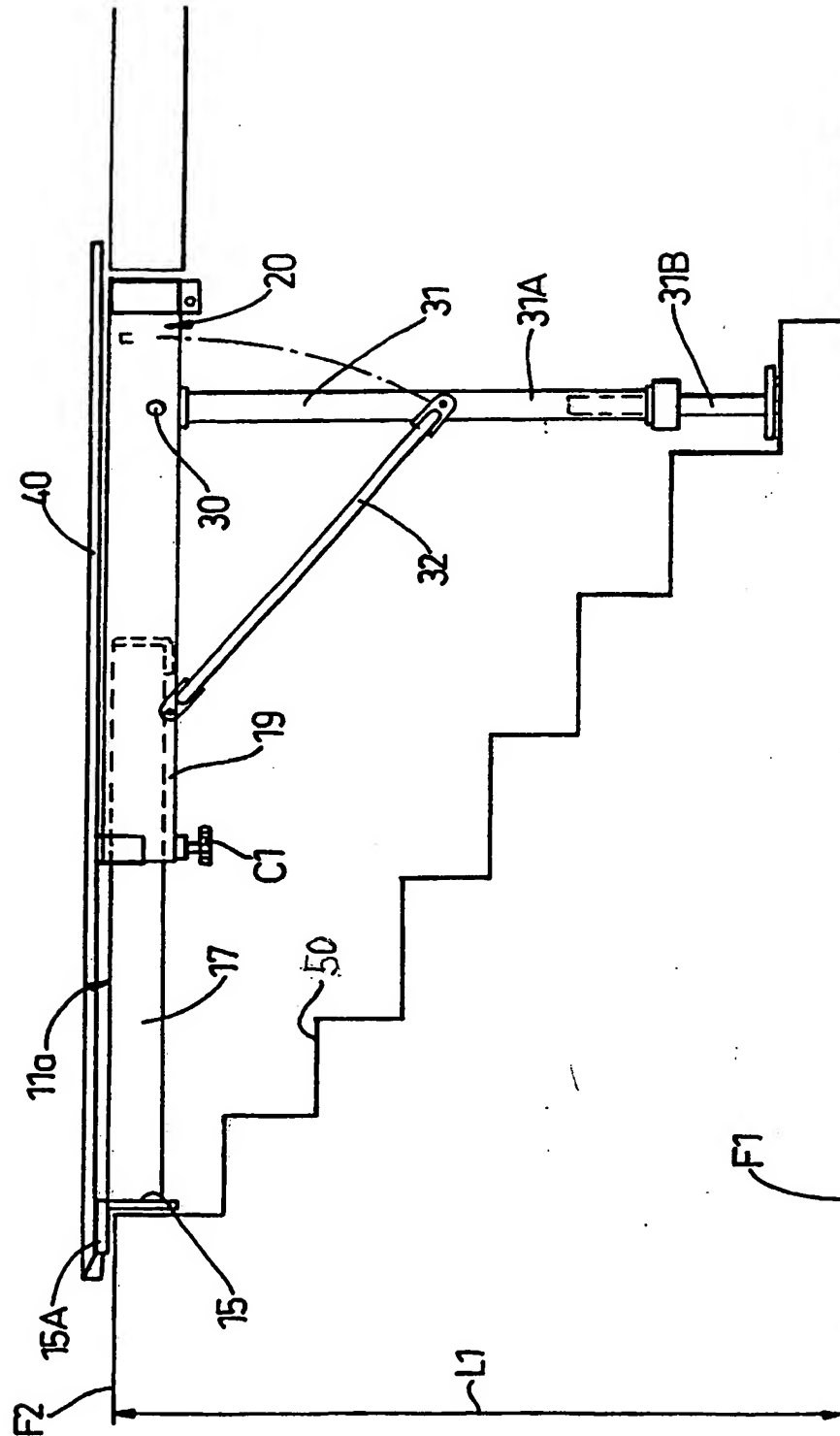


Fig. 2

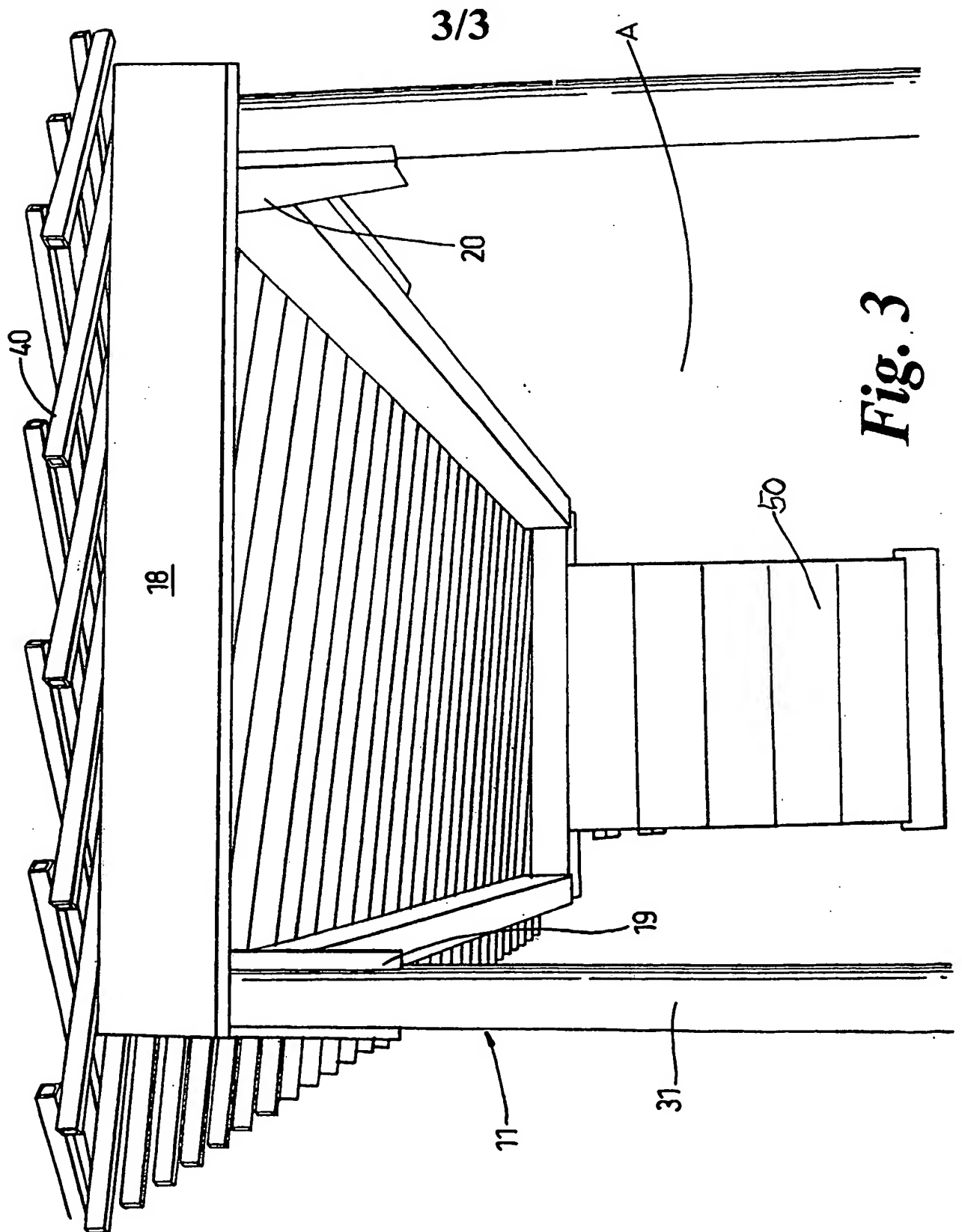


Fig. 3